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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARC DAVIS,

Defendant.

CASE NO. 1:21-MJ-00032-SAB

STIPULATION FOR PROTECTIVE ORDER;  
ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. The Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure and its general supervisory authority.

2. This case involves at least two lay witnesses, the identity of whom is not subject to any rule of discovery at this stage of the proceeding. Additionally, their statements are similarly subject to no disclosure rule at this stage of the proceeding. Nonetheless, the government is willing to provide a copy of body camera video from the incident which includes discussions with the witnesses with defense counsel's agreement not to share the videos or contents thereof with the defendant until further order of the Court.

3. By signing this Stipulation and Protective Order, Defense Counsel agrees not to share the body camera recording or of any report defense receives with the witnesses' statements or identities included, with anyone other than designated defense investigators and support staff. Defense Counsel may not discuss the contents of the recordings with the defendant. The parties agree that Defense

Counsel, defense investigators and support staff shall not allow the defendant to copy such information.

4. The recording provided may only be used in connection with the litigation of this case and for no other purpose. The discovery is now and will forever remain the property of the United States Government. Defense Counsel will return the discovery to the Government or certify that it has been destroyed at the conclusion of the case.

5. Defense Counsel will store the discovery in a secure place and will use reasonable care to ensure that it is not disclosed to third persons in violation of this agreement.

6. Defense Counsel shall be responsible for advising his or her respective client, employees, and other members of the defense team, and defense witnesses of the contents of this Stipulation and Order.

7. In the event that the defendant substitutes counsel, undersigned Defense Counsel agrees to withhold discovery from new counsel unless and until substituted counsel agrees also to be bound by this Order.

IT IS SO STIPULATED.

Dated: 6/7/21

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ KIMBERLY A. SANCHEZ  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney

Dated: 6/7/21

/s/ JAYA GUPTA  
JAYA GUPTA  
Counsel for Defendant  
MARC DAVIS

IT IS SO ORDERED.

Dated: June 8, 2021

  
UNITED STATES MAGISTRATE JUDGE